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August 8, 2008

**VIA ELECTRONIC TRANSMISSION**

Hon. Gerard E. Lynch  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 910  
New York, New York 10007

RE: The United States of America for the Use and Benefit of J. Scaduto & Son, Inc. v.  
Liberty Mutual Insurance Co. and Agency Construction Corp.  
Case No. 08 CV 01885

Dear Honorable Sir:

The undersigned is the attorney for Agency Construction Corp. in the above referenced matter. Consistent with the Court's directive, Agency's responsive papers to Plaintiff's Rule 12 motion were served and filed on August 8, 2008. However, since such time, it has become known to me that the Memorandum of Law served on behalf of Agency Construction Corp. contained an incorrect citation as well as a misspelled word.

By reason of the foregoing, Your Honor's indulgence is requested to permit Agency Construction Corp. to serve and file an Amended Memorandum of Law. None of the changes are substantive and I have received the consent of Plaintiff's counsel concerning the limited corrections.

Thank you for courtesy in this regard.

Respectfully submitted,

  
Evan Wiederkehr

cc: Paul Montouri, Esq. (via electronic transmission)  
Carolyn Fiorello, Esq. (via electronic transmission)